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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/367,433	01/13/2000	ALEXANDROS ELEFThERiADIS	A30919-PCT-U	4342

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NEW YORK, NY 10112

EXAMINER

DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/367,433

Applicant(s)

ELEFTHERIADIS ET AL.

Examiner

Jean W. Désir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Escobar et al (US 5,826,102).

Claim 1:

The claimed limitation “receiving, over time, a plurality of audio-visual/video objects and composition information for the objects” is disclosed, see col. 4 lines 33-36, col. 6 lines 37-40;

the claimed limitation “storing in a cache memory at least one of the objects” is disclosed, see col. 6 lines 21-22;

the claimed limitation “composing scenes from said objects including the one of the objects stored in the cache memory” is disclosed, see col. 6 lines 41-45, col. 4 lines 16-18;

the claimed limitation “and displaying the composed scenes” is disclosed, see col. 6 lines 46-48.

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Claim 2 is inherent to Escobar's disclosure.

Claim 3 is disclosed, see col. 4 line 33.

Claim 4 is disclosed, see col. 6 lines 21-22.

Claim 5 is disclosed, see col. 6 lines 21-22, col. 4 line 33, col. 6 lines 41-45.

Claim 6 is disclosed, see col. 4 lines 34-36.

Claim 7 is inherent to Escobar's disclosure.

Claim 8:

The claimed limitation "a controller circuit for controlling acquisition over time of a plurality of audio-visual/video objects and composition information for the objects" is disclosed, see col. 4 lines 33-36, col. 6 lines 37-40;

the claimed limitation "a cache memory for storing at least one of the objects" is disclosed, see col. 6 lines 21-22;

the claimed limitation "a composer circuit, coupled to the cache memory, for composing scenes from said video objects including the one of the objects stored in the cache memory" is disclosed, see col. 6 lines 41-45, col. 4 lines 16-18;

the claimed limitation "and a display for the composed scene" is disclosed, see col. 6 lines 46-48.

Claims 9, 10 are rejected for the same reasons as claim 8.

Response to Arguments

3. Applicant's arguments, filed on 9/7/04, with respect to the rejection of claims 1-10 under the 102(e) rejection mailed on 3/29/04, have been fully considered but they are not persuasive.

Applicants argue, on pages 5-7 of the REMARKS, about subject matter that are not in claims; for instance on page 6 Applicants argue that "However, Escobar's multimedia assets/objects are not encoded data objects ("object-based coding, high-level structure of visual content") received in a data bitstream which is the subject of applicants' inventive processing." These arguments are not persuasive, because the subject matter "encoded data objects ("object-based coding, high-level structure of visual content") received in a data bitstream" is not in the claims as argued by the Applicants; the claimed invention is directed to "receiving, over time, a plurality of audio-visual/video objects and composition information for the objects" is disclosed by Escobar as pointed out in the rejection. Applicants argue limitations that are not in the claims. These arguments are not persuasive because the specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. See *In re Sporck*, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968).

Applicants argue, on page 7 of the REMARKS that "Escobar does not describe or suggest, the receipt of any contemporaneous composition information ...". These arguments are not persuasive, Escobar does teach "receiving composition information for the objects" as claimed because Escobar teaches composing scenes from the

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objects as pointed in the rejection, - see again col. 21 lines 27-29, col. 6 lines 43-45, col. 4 lines 16-18, – where composition is taught as claimed.

Applicants argue, on page 7 of the REMARKS that “Escobar does not teach “using cache memories to store bistream encoded objects”. These arguments are not persuasive, Escobar does teach “storing in a cache memory at least one of the objects” as claimed and as pointed out in the rejection, because the location - where the objects are stored and for retrieving later for creating composition – is considered broadly as cache memory as claimed.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (703) 308 9571. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305 4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD
Dec. 17, 04


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2300